

CLAUSE I-40 – DIFFERING SITE CONDITIONS (August 2002)

- (a) The Subcontractor shall promptly, and before the conditions are disturbed, give a written notice to SURA of (1) subsurface or latent physical conditions at the site which differ materially from those indicated in this subcontract, or (2) unknown physical conditions at the site, of an unusual nature, which differ materially from those ordinarily encountered and generally recognized as inhering in work of the character provided for in the subcontract.
- (b) SURA shall investigate the site conditions promptly after receiving the notice. If the conditions do materially so differ and cause an increase or decrease in the Subcontractor's cost of, or the time required for, performing any part of the work under this subcontract, whether or not changed as a result of the conditions, an equitable adjustment shall be made under this clause and the subcontract modified in writing accordingly.
- (c) No request by the Subcontractor for an equitable adjustment to the subcontract under this clause shall be allowed, unless the Subcontractor has given the written notice required; provided, that the time prescribed in (a) above for giving written notice may be extended by SURA.
- (d) No request by the Subcontractor for an equitable adjustment to the subcontract for differing site conditions shall be allowed if made after final payment under this subcontract.